

1 JONATHAN SHUB (CA SBN 237708)
2 jshub@seegerweiss.com
3 SEEGER WEISS LLP
4 1515 Market Street, Suite 1380
5 Philadelphia, Pennsylvania 19012
6 Telephone: 215.564.2300
7 Facsimile: 215.851.8129
8 Co-Lead Counsel for Plaintiff and the Proposed Class

9 (Additional Co-Lead Counsel appear below signature)

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 **In re: PALM TREO 600 and 650**
14 **LITIGATION**

15 **Master File No.: C-05-03774 RMW**

16 **STATUS REPORT**

17 **This Document Relates To: All Actions**

18 Complaint Filed: September 19, 2005
19 Trial Date: None Set

20 Plaintiff respectfully submits the following report on the status of the
21 settlement administration and related matters in the above-referenced litigation.

22 On July 7, 2008, this Court entered a Final Judgment and Order Approving
23 Settlement and Dismissing Claims of Settlement Class Members with Prejudice
24 [Dkt. 119-2]. The Settlement Effective Date was September 25, 2008.

1 The Court has not yet ruled on Plaintiffs' Motion for Final Approval of
2 Attorneys' Fees, Reimbursement of Costs and Service Awards to the Class
3 Representatives. [Dkts. 101, 103,109].

4 Under the terms of the Settlement, if the warranty on the Treo 600 or Treo
5 650 had already expired of September 25, 2008, Class Members' right to a free
6 repair ended on January 23, 2009. If, however, the existing warranty on the Treo
7 600 or Treo 650 was still in effect as of September 25, 2008, the right to a free
8 repair ended 120 beyond the expiration of the warranty. The period for submitting
9 claims for reimbursement in connection with the purchase of new Treo 600 or Treo
10 650 ended on March 25, 2009.

12 The number of claims submitted is as follows: 873 eligible repair claims
13 were submitted with 136 claims for the Treo 600 and 737 claims for the Treo 650.

15 With respect to claims for rebates, 1863 eligible claims were submitted, with
16 415 claims for the Treo 600 and 1448 claims for the Treo 650.

17 In addition to the 2,736 class members who affirmatively claimed the
18 monetary or repair relief afforded by the settlement, the settlement also effectively
19 provided for a general extension of the period over which warranty type claims
20 could be made with respect to the devices that were the subject of the suit. The
21 extent, if any, to which this relief was actually utilized to achieve a warranty type
22

claim or to enhance the value of the used phone in the resale market is not readily ascertainable with specificity.

Accordingly, and on the basis of the prior submissions in support of the fee application submitted by plaintiffs' counsel, we respectfully submit that the Court should allow the requested attorneys fees and costs and finally close this matter. In the event the Court has any questions or needs additional information we respectfully request that a telephonic status conference be set at the earliest convenience of the Court.

Respectfully submitted,

DATED: August 31, 2009

By: /s/ Ira P. Rothken
Ira P. Rothken

IRA P. ROTHKEN (CA SBN 160029)
ROTHKEN LAW FIRM
3 Hamilton Landing, Suite 280
Novato, CA 94949
Telephone: (415) 924-4250
Facsimile: (415) 924-2905

Co-Lead Counsel for Plaintiffs

CO-LEAD COUNSEL

IRA P. ROTHKEN (CA SBN 160029)
ROTHKEN LAW FIRM
3 Hamilton Landing, Suite 280
Novato, CA 94949
Telephone: (415) 924-4250
Facsimile: (415) 924-2905

JONATHAN SHUB (CA SBN 237708)
SEAGER WEISS LLP
1515 Market Street, Suite 1380
Philadelphia, PA 19102
Telephone: (215) 553-7980
Facsimile: (215) 851-8029

RALPH M. STONE (pro hac vice)
THOMAS G. CIARLONE, JR. (pro hac vice)
SHALOV STONE BONNER and ROCCO
485 Seventh Avenue, Suite 1000
New York, NY 10018
Telephone: (212) 239-4340
Facsimile: (212) 239-4310

STAN S. MALLISON (CA SBN 184191)
HECTOR R. MARTINEZ (CA SBN 206336)
LAW OFFICES OF MALLISON & MARTINEZ
1042 Brown Avenue, Suite A
Lafayette, CA 94549
Telephone: (925) 283-3842
Facsimile: (925) 283-3426